REMARKS

Overview

The Examiner's Office Action mailed September 16, 2004 was directed only to claims 1-6 and did not address claims 7-10 which were submitted with the Preliminary Amendment filed in the Patent and Trademark Office on August 26, 2004. Presumably, the Preliminary Amendment had not reached the Examiner before the Office Action was issued. However, Applicants request that the Examiner verify that the Preliminary Amendment has been received.

Double Patenting Rejection of Claims 1-6

The Examiner has issued a statutory-type double patenting rejection, stating that the filing of a Terminal Disclaimer cannot overcome this double patenting rejection. The Examiner's apparent reason for this decision was that claims 1-4 of the present application "are the same as claims 1-4 of Patent 6,725,529."

The Examiner is incorrect in this conclusion. The claims of Patent 6,725,529 include the following limitation which is not present in the claims of the present application:

"To create a double thickness overlying strip"

This appears in claim 1 of Patent 6,725,529, and it does not appear in the claims of the present application. Accordingly, the claims of the present application are broader and the rejection should have been an "obviousness" type objection rather than a pure double patenting rejection.

Accordingly, Applicants have submitted the Terminal Disclaimer enclosed herewith and Applicants respectfully request that the Terminal Disclaimer be accepted and that claims 1-6 be allowed.

Patentability of Claims 1-6

In the Preliminary Amendment Applicants enclosed an English translation of Japanese Publication 6-215908. This prior art reference is to be distinguished from claims 1-6 in that all of claims 1-6 require taking a single conductive strip, attaching the rear flat face of said "single conductive strip;" modifying the overlapping strip by removing the central portion of "said single conductive strip." The Japanese reference discloses a plurality of conductive strips, 16, 17A, and 17B. Accordingly, the Japanese reference does not disclose a "single" conductive strip applied to the surface of the resistor as required by the step of claim 1. Accordingly, claims 1-6 patentably distinguish over the Japanese reference and should be allowed.

Patentability of Claims 7-10

Claims 7-10 were submitted with the Preliminary Amendment and have not yet been acted upon by the Examiner. With the Preliminary Amendment, Applicants also submitted an Information Disclosure Statement identifying Japanese Patent Publication 6-215908. An English translation of this Japanese publication was also attached to the Preliminary Amendment.

The Japanese Publication shows a method of coating an entire surface of material with three layers 16, 17A, and 17B, and grinding away the center portion thereof. However, the Japanese reference discloses the method of applying the priming electrodes 16, by applying a conductive paste through the use of a printing process or a thermal spraying process. In contrast, the invention of claims 7-10 utilizes a cladding method which mechanically attaches the metallic strips to the resistive strip. A paste or thermal spraying is not used.

Claim 7 defines a method of making a plurality of surface mount resistors. The claim requires joining the first and second metallic strips to the front flat surface of the resistive strip

"the joining being done by a cladding process without the use of braising alloys or adhesive". This feature is neither shown nor suggested in the Japanese Publication 6-215908. This reference discloses printing or spraying the conductive metal onto the resistive strip. The '908 patent relates to film resistors and is entirely different from the metallic ribbon strips that are joined by the cladding process without the use of braising alloys or adhesives in the present invention. Many metals such as copper are not easily joined to the surfaces of resistive strips, and therefore the present method provides an advantage over the methods shown in prior resistors. Nowhere does the prior art show the attaching of metal strips to the surfaces of the ends of a resistance element by the cladding process.

Claim 8 depends from claim 7 and further defines the process by requiring the removal of a central portion of the conductive strip to create first and second conductive strips spaced apart from one another across the central portion of the resistive strip. Claim 9 depends from claim 7 and further requires using copper for the metal of the first and second strips. Claim 10 depends from claim 7 and further requires that the cladding process includes the application of pressure between the resistive material and the first and second strips. None of these features are shown in the prior art and accordingly claims 8-10 are also patentable for the reasons set forth as to claim 7 and for the structures specifically recited in claims 8-10.

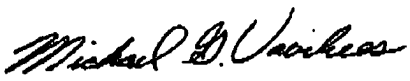
Accordingly, a Notice of Allowance is respectfully requested. If prosecution of the present application can be facilitated by a telephone interview, Applicants invite the Examiner to telephone Applicants' attorney of record at the below identified number.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



MICHAEL G. VOORHEES, Reg. No. 25,715
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

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